

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA

v.

ANMING HU

Case No. 3:20-CR-21

JUDGE VARLAN

RESPONSE IN OPPOSITION TO DEFENDANT’S MOTION TO DISMISS

The United States of America, by Francis M. Hamilton III, Acting United States Attorney for the Eastern District of Tennessee, hereby files this response in opposition to the Defendant’s Motion to Dismiss Because of Void For Vagueness, Doc. 104. At the conclusion of the government’s case-in-chief, the Defendant made a motion pursuant to Rule 29 of the Federal Rules of Criminal Procedure for a judgment of acquittal. After making the Rule 29 motion, the Defendant filed the Motion to Dismiss Because of Void for Vagueness. The Court has advised the parties that it considers this Motion to Dismiss Because of Void for Vagueness as a memorandum in support of the Defendant’s Rule 29 motion.

The argument set forth in the Defendant’s Motion to Dismiss regarding the NASA China Funding Restriction was considered and rejected by this Court in its Memorandum Opinion and Order accepting, in part, the Report & Recommendation by the U.S. Magistrate Judge. [See Doc. 63.] In the Memorandum Opinion and Order, this Court held that “whether [the] defendant understood the [NASA China Funding Restriction] is not an essential element that the government must prove as to the wire fraud charges in this case.” [*Id.* at p. 9] Accordingly, the Defendant’s motion should be denied.

Respectfully submitted on June 13, 2021.

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